

### **REMARKS**

This responds to the Office Action mailed on April 21, 2005.

Claims 1, 11, and 18 are amended, claims 5, 15, and 23 are canceled; as a result, claims 1-4, 6-14, and 16-22 are now pending in this application.

#### **Objections to the Abstract and Specification**

The Office Action objects to the *Abstract of the Disclosure*.

The specification of the disclosure is objected to because the *Brief Summary of the Invention* is not disclosed in the specification. Correction is required. See MPEP § 608.01(b) The *Brief Summary of the Invention* section is described at MPEP § 608.01(d). The Applicant believes that the Application lawfully excludes the *Brief Summary of the Invention*. Next the *Brief Summary of the Invention* is not a required section of a patent application. 37 CFR 1.73 indicates in equivocal language that “... the *Brief Summary of the Invention*, when set forth, be commensurate with the invention...”. The Applicant is not aware of any case law requiring a *Brief Summary of the Invention*. If the Examiner is aware of any such case law, it is requested that the Examiner provide it to the Applicant.

#### **§102 Rejection of the Claims**

Claims 1-2 and 11-14 were rejected under 35 USC § 102(e) as being anticipated by Hiram (U.S. 6,788,744).

Base claims 1 and 11 have been amended to clarify their limitations by the incorporation of claims 5, and 15, respectively. Claims 5 and 15 were previously noted as allowable by the Office Action. As a result, it is believed that the above 35 USC 102 rejection of the base claims has been overcome. Dependent claims are believed allowable by virtue of their dependence on an allowable base claim.

#### **§103 Rejection of the Claims**

Claims 3 and 17-21 were rejected under 35 USC § 103(a) as being unpatentable over Hiram (U.S. 6,788,744) in view of Kawasaki (U.S. 5,625,647).

Claim 3 is believed allowable by virtue of its dependence on an allowable base claim 1. Claim 17 is believed allowable by virtue of its dependence on an allowable base claim 11. Claim 18 has been amended to clarify the limitations by the incorporation of claim 23, previously noted as allowable by the Office Action. Dependant claims 19-21 are believed allowable by virtue of their dependence on allowable base claim 18.

Claim 4 was rejected under 35 USC § 103(a) as being unpatentable over Hirama (U.S. 6,788,744) in view of Langston et al. (U.S. 6,212,397).

Dependant claim 4 is believed allowable by virtue of its dependence on an allowable base claim 1.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over Hirama (U.S. 6,788,744) in view of Lee et al. (U.S. 6,781,424).

Dependant claim 10 is believed allowable by virtue of its dependence on an allowable base claim 1.

Allowable Subject Matter

Claims 5-9, 15-16, and 22-23 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Frank Bogacz ((480) 361-7740) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date July 18, 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of July, 2005.

John D. Gustav-Wrathell

Name

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Signature